

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

ERIBERTO VARGAS-PASTRANA

Defendant.

8:10CR301

FINDINGS AND RECOMMENDATION AND ORDER

At the conclusion of the hearing on November 3, 2010, on the defendant's motion to suppress, I stated my conclusions on the record and my decision to recommend that the motion to suppress be denied. In accordance with that announcement,

IT IS RECOMMENDED to the Honorable Joseph F. Bataillon, Chief United States District Judge, that the motion to suppress, Filing No. 17, be denied as set forth in the oral Findings and Recommendation.

FURTHER, IT IS ORDERED:

1. The clerk shall cause a transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 59.2 any objection to this Findings and Recommendation shall be filed with the Clerk of the Court within fourteen (14) days after the transcript is available to counsel for reading in the clerk's office. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 3rd day of November, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge